

**From:** tgmvt@comcast.net [mailto:tgmvt@comcast.net]  
**Sent:** Wednesday, May 12, 2010 2:12 PM  
**To:** avoegele@colchestervt.gov  
**Cc:** lrichardpaquette@comcast.net  
**Subject:** Selectboard Meeting

Mr. Voegele:

At last night's Selectboard meeting, you took exception to the word "seized" in reference to the land taken by the Town of Colchester from private property owners along Holy Cross Road. One of the dictionary definitions of "seize" is "to take possession of by legal process." So, we will continue to refer to that part of our private property that the Town of Colchester has taken as "seized." You also stated that you did not act like some Eastern European country in seizing land. That reference may have been the case prior to the fall of the Berlin Wall in 1989, but since the dissolution of the Soviet Union, it does not appear that Eastern European countries are seizing anyone's private property.

Twenty-two years ago this month, we moved from St. Albans to Colchester. We fell in love with Colchester. Our children went to school here and graduated from Colchester High School. Until we learned of this proposed bike path on Holy Cross Road, we fully supported every action and ballot request from the Town administration and we felt that Town officials cared about all of its residents. We no longer feel that way.

We are extremely disappointed that the Town resorted to seizing our property and is constructing an unnecessarily expensive and expansive bike path.

Having said that, it is not too late to construct a path along Holy Cross Road that we would support. There is a lot of consternation in Colchester about this matter and fortunately we have received a lot of support from friends and neighbors regarding this situation. We believe that you and the Selectboard will lose a great deal of political capital and goodwill from many other Colchester residents if you build this bike path as proposed. If you do build this path as proposed, our feelings of disappointment will linger for however much longer we are fortunate enough to live in Colchester.

We respectfully request that you post our letter on the Citizen Comments section of the Town of Colchester website.

Sincerely,

Timothy and Nadine Moran

**Response to Mr. & Mrs. Moran's Letter to Town Manager**  
**And their letter printed in the May 13<sup>th</sup> edition of the Colchester Sun**

Much as been written about the pro's and con's of the Town's Capital Transportation Plan. Civic discourse is wonderful and important. I certainly uphold the right of people to disagree with the Town and/or its Select Board. Even I find myself in that position occasionally. In those instances where I hold a different opinion than the Select Board, what holds us together is respect for the law, agreement of and adherence to the facts, and mutual respect for one another and each person's opinion.

As reported in the Colchester Sun and seen at last Tuesday's Select Board meeting now being aired on LCATV, several citizens have expressed their disagreement and disapproval of the proposed Town's Capital Transportation program funding which is on next Tuesday's ballot. My concern today is to assure that all the voters understand the facts which are undisputable in the disagreement between the Town and a few citizens.

First, let me affirm that everything the Select Board and Town have done to bring forth this capital transportation program and its construction plans have been brought forth by means established under law and public oversight. Second, when the Town is unable to achieve agreement with its citizens regarding construction of a publicly approved project, the Town seeks a "third party" (i.e. the Court) to objectively look at the facts and decide independently what course of action will bind both parties. In this dispute, that third party", Superior Court Judge Katz has ruled, as reported in the Sun, "that (the) planned recreation path along Holy Cross Road is 'necessary to further the public good'".

As to the facts: "Rights of Way" is property that the law allows to be municipal or State land. "Rights of Way" for municipal roads commonly extend well beyond the edge of the roadway. This "set aside" land is for the burying of telephone and gas lines, placement of telephone poles, street trees, storm water management, snow storage, sidewalks and bike paths. On Holy Cross Road, the twenty feet that is needed for the path consists of the green belt area (7 feet), the bike path (10 feet), and the recovery zone behind the bike path (3 feet). Approximately 12 feet of this area is already within the Town's Right of Way property.

With twelve feet of area already available within the public right of way, the Town originally asked for a permanent easement of eight feet on the Moran property. Through negotiations with the Morans, the Town agreed to remove the three foot recovery zone behind the bike path reducing the necessary easement to five feet. This would require that the existing fence be moved three feet towards their home in order to build the path. In return the Town was willing to financially compensate these land owners and/or install additional shrubbery along the property line to protect and enhance their personal privacy. Additionally, they were advised that the Town's Zoning Regulations are written in such a manner that their set backs and lot coverage requirements are not altered through the granting of this easement.

In their argument opposing the Holy Cross Road bike path, they state that such "...projects could be worthwhile if you, the tax payer, had a say in where sidewalks and bike paths are built. However, the Colchester Selectboard does not want you to have a say in these matters. The Selectboard wants you, the taxpayer, to sign a blank check for six years." Facts are the design of the bike path system has existed for over fifteen years. Every year the Department of Public Works presents to the Select Board for its approval the proposed expenditures from the voter authorized capital transportation program fund which include any proposed bike paths or sidewalks for that specific year. Further approval is sought individually for the design and location of a proposed sidewalk and/or bike path funded from the annually approved capital budget plan. In each step of these processes the public is informed of the Select Board's agenda and people are invited to voice their opinion. One purpose of publishing the Select Board agenda is to acknowledge the Select Board does not know more than the general public and it wishes their help and insight before making a decision for the welfare and common good of all the people.

In the Morans' letter they continue to state "a few years ago, the Selectboard approved the construction of a million dollar sidewalk for West Lakeshore Drive. Factually, the sidewalk cost \$500,000 or one half million dollars. They further state that "this sidewalk does not even meet minimum sidewalk standards. Town officials now admit that this sidewalk was a mistake. They say that they should have built a bike path there." Here the Town absolutely agrees with the Morans. It is the exact reason the Select Board approved the (changed) design specifications for the bike path along Holy Cross Road to insure that local tax dollars would no longer be used to fund sub-standard infrastructure that does not afford the level of safety the Town believes is appropriate for its citizens.

Finally, let me address Colchester's tax rate. It is true we have the second highest property tax rate in Chittenden County. If one examines our operating expenses including employee wages for roads, police, fire, rescue, and administration one will see they are very similar to other Towns. The difference in rates boils down to the ratio between commercial and residential properties. In Colchester 80% of our taxes comes from residential property owners and 20% comes from commercial/industrial property owners. South Burlington has almost a 50-50 split. Williston with all its commercial property, residential property owners carry an even less burden.

In summary, both the Select Board and the Town Administration respect the citizens and residents of Colchester. As servants of the townspeople none of us would or do use "scare tactics" to intimidate voters to vote one way or another on any ballot issue. What we do say is verifiable by observation and research. Specifically, pavement deteriorates at a predicable rate based on use, weather, and type of material used. Bike paths, sidewalks, and storm water improvements are part of the smart growth and environmental responses to our changing economic and land use needs as guided by the latest research, national standards and technology available.

Please vote this coming Tuesday, May 18<sup>th</sup>. Examine the facts of this issue. Review Superior Court Judge Katz' opinion as reported in the Sun, "...the path (is) a necessary

link in a recreational path system the town is building". And at any time please feel free to contact me, Bryan Osborne, any Select person or visit Town Hall to ask questions, look at our records, and challenge us to new and different ways of seeing the world from your perspectives reflected from mutually accepted and understood factual information. We believe government is everybody's business if we are to serve the common good.

Thank you,  
Al Voegele  
Town Manager